

Herrick Lawyers Help Sweden Recover Atlas Stolen a Decade Ago

By Sara Randazzo

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It's been eight years since the Royal Library of Sweden learned that one of its librarians had stolen 56 rare books as part of a years-long theft plot that shocked the nation. Wednesday, the first of the missing tomes began to make its way home, with the help of lawyers from Am Law 200 firm Herrick, Feinstein.

The Royal Library—Sweden's equivalent of U.S. Library of Congress—contacted the firm in February to consult on the legal entanglements involved in recovering a 415-year-old atlas that library officials discovered several months earlier had been sold to a gallery in New York.

The Arader Galleries, a collector of antique paper works, had purchased the atlas from Sotheby's in 2003 for \$100,000. After learning the true origin of the book—which was created by Cornelius van Wytfliet and contains the first known printed map of California and other depictions of the Americas—Arader returned the volume to the auction house. Now, following a Wednesday press conference at Herrick's Manhattan offices held to trumpet the recovery of the atlas, the book is bound for Sweden.

White collar partner Steven Feldman led a Herrick team working on the assignment, which, in addition to pulling in members of the firm's nine-attorney art group, involved close collaboration with the asset forfeiture unit of the U.S. attorney's office in Manhattan. That collaboration began, Feldman says, after the Herrick team analyzed who had bought and sold the atlas to assess any potential liabilities and determined the best course of action for the work's return. Unlike some recovery assignments Herrick has handled, this one did not require the initiation of civil litigation, Feldman says.

The Herrick team will now turn its attention to helping the Royal Library locate the dozens of other stolen works, which include poetry books, medical texts, historical tracts, and philosophy volumes. As part of that mission, the firm has published an online list of the missing items and is encouraging anyone who might have information about them to come forward.

"Today's recovery and announcement is a really important first step," says Feldman. "If we can continue to take steps forward that encourage the rest of the other booksellers to turn books over, to do

the right thing, to give these books back to the library and not profit from this tragedy—that would be a huge victory for the library and doing justice here."

On Tuesday, *The New York Times* published a detailed account of the Swedish library scandal, which saw the thief, Anders Burius, commit suicide soon after confessing to the crime. As the *Times* notes, the story contained enough drama to merit the making of a TV miniseries last year.

For Herrick art law group coheads Lawrence Kaye and Howard Spiegler, the recovery of the stolen atlas is the latest success the pair has enjoyed in a niche practice they first began to carve out for themselves more than 30 years ago.

While neither set out to be art lawyers, Spiegler says, a seminal case in the 1980s—the first in which a foreign jurisdiction sued the U.S. to recover cultural property—allowed the pair to expand their expertise. In that case, Kaye and Spiegler, then at now-defunct Botein Hays & Sklar, represented a German government-owned museum in a suit brought against a Brooklyn man who had bought two Albrecht Dürer paintings in 1946 that Germany believed were its property. The case was a success.

At the time, not many in the art industry thought U.S. courts would uphold other countries' laws protecting national artifacts, Spiegler says. Now, the law has developed to the point that such recoveries are commonplace. Since that first case, Spiegler and Kaye have helped recover thousands of artifacts for Turkey, among other nations, and have also taken on a number of cases surrounding the recovery of art improperly seized by Nazis during the Holocaust.

Over the years, Herrick's art practice has expanded beyond restitution litigation into the transactional realm, and includes structuring deals to acquire art and working on so-called "art loans"—those backed by valuable art collections.

As for the Wytfliet Atlas work, Spiegler says it was gratifying to help get back the "fabulous" book for the Royal Library. "We're very hopeful we'll be able to recover many more volumes for them as the word spreads that they are very serious about this."